

THE UNITED STATES COURT OF APPEALS FOR  
THE FEDERAL CIRCUIT

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EDGAR ABLAN, ET AL.,  
*Plaintiffs*

CHRISTINA BANKER, TODD BANKER,  
*Plaintiffs-Appellees*

v.

UNITED STATES,  
*Defendant-Appellant*

**RECEIVED**

SEP 13 2024

United States Court of Appeals  
For the Federal Circuit

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2023-1363

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Appeal from the United States Court of Federal Claims in No. 1:17-cv-01409-CFL,  
1:17-cv-09001-CFL, Senior Judge Charles F. Lettow.

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SANDRA ABDOU, ET AL.,  
*Plaintiffs*

ELIZABETH BURNHAM,  
*Plaintiff-Appellee*

v.

UNITED STATES,  
*Defendant-Appellant*

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2023-1365

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Appeal from the United States Court of Federal Claims in No. 1:17-cv-01786-CFL,  
1:17-cv-09001-CFL, Senior Judge Charles F. Lettow.

CHRISTINA MICU, AND ALL OTHERS SIMILARLY SITUATED, SCOTT  
HOLLAND, CATHERINE POPOVICI, KULWANT SIDHU,  
*Plaintiffs-Cross-Appellants*

ELISIO SOARES, SANDRA GARZA RODRIGUEZ, ERICH SCHROEDER,  
MARINA AGEYEVA, GLENN PETERS, VIRGINIA HOLCOMB,  
*Plaintiffs*

v.

UNITED STATES,  
*Defendant-Appellant*

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2023-1366, 2023-1412

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Appeals from the United States Court of Federal Claims in No. 1:17-cv-01277-CFL,  
1:17-cv-09001-CFL, Senior Judge Charles F. Lettow.

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**MOTION TO RECONSIDER ORDER FOR STRICK**

Zheng Luo

*pro se plaintiff of related case*

*Civil Engineer*

*Oversea licensed attorney*

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## **INTRODUCTION**

For the motion for leave to file amicus curiae brief filed by amicus, the Court issued second notice of non-compliance (DOC 67, Case 23-1363) on August 26, 2024, which request amicus to re-submit a Form 8B to address the non-compliance in 14 days. On August 27, 2024, the Court issued an order (DOC 68, Case 23-1363), which struck amicus' motion for leave to file amicus curiae brief, due to untimely file a corrected Form 8B; however, that order did not mention and revoke the court notice from the previous day. Apparently, there is a conflict between the order and the notice. This motion, however, is not intended to debate which of the two is valid, but to address the problem of poor mail delivery caused by the Hurricane Beryl and the inability to use Pacer accounts normally.

## **ARGUMENT**

First and foremost, the purpose of amicus' motion for leave to file amicus curiae brief seeks to alert the appeal court to fatal flaws in the trial court's judgment, which is consistent with the purpose of the amicus curiae system. In a Rule-Based Society - the United States, taking a permanent flowage easement from a human habitat both is lacks support of common law and is contrary to the Constitution and Congress Act, even is lacks ethics.

Second, the purpose of amicus in participating in the briefing is not to use the rules to delay the review of this case, but to hope that this case will be heard fairly,

justly and openly; amicus is also a victim in the issue of this case and has no motive to delay.

Third, it is undeniable that the direct causes of this motion are the damage caused by the Hurricane Beryl and the inability to use the Pacer account normally. If these two problems are resolved, the dispute will no longer exist.

#### A. Hurricane Beryl

In July of this year, Hurricane Beryl hit the Houston area with great destructive power, destroying two USPS facilities in this area, resulting in irregular mail delivery since then.

This can be confirmed by the mailing process of the first amicus brief submission. On July 18, 2024, amicus sent three mails from the USPS of Houston, at the same time, using the same mailing method, to the Court, the DOJ and the plaintiffs. The mail sent to the Court in DC took more than ten days to be delivered, while DOJ, also in DC, received it in couple days. As for the mail sent to the plaintiff in Dallas, it was shipped to Cincinnati at first. The order and notice this motion focused on were received by amicus on September 9, 2024, which was already beyond the 14 days specified in the notice.

#### B. Pacer account abnormality

Amicus has already registered a Pacer account couple months after Hurricane Harvey but hadn't used it until amicus submitted the amicus brief this time. Because

amicus hadn't used it for a long time, he has forgotten how to log in, and he couldn't abandon the existed account and register again. Moreover, since amicus was living in a Harvey shelter when he registered the Pacer account, he used his Chinese contact address, and needed to change the information to use Pacer again. After looking up the past usage records from an unused I-phone 5, he found the login method and opened the account. But he encountered difficulties again in changing the information, which he could not receive the verification code sent by Pacer..... But anyway, after more than ten days of trial and error, at 5 a.m. on September 11, 2024, he finally fixed these bugs and was able to use his Pacer account normally and connect to the Court of Appeal for the federal circuit waiting this court's approval.

Fourth, needless to say, this brief was submitted very late. Until March of this year, the House Public Works Committee found the information that I requested through FOIA, which involved the original authorization hearing records for the federal projects in this case and was thus linked to a large amount of Congressional records. Amicus brief was based on this congressional information. Rejecting this brief will not eliminate these factual disputes, but will instead lead to future tangled litigation.

## **RQUEST**

Amicus hereby request that the Court exempt his previous overdue. Attached to this motion, a corrected Form 8B made in accordance with the Court's notice.

As an alternative, amicus will file an same brief with the updated date as a re-filing, and mail it to the Court along with this motion; and also will serve it on the DOJ and Plaintiff's Co-leader Counsel separately, notifying them of the reasons for the re-serve. Amicus has checked the Court's case schedule for the next sessions last night and this case is not on the upcoming schedule.

### CONCLUSION

For the reasons and the request stated above, the Court should re-consideration its order, and processes this motion appropriately.

Dated: September 11, 2024

Respectfully submitted,

/s/ Zheng Luo



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(Corrected)

FORM 8B. Notice of Unrepresented Person Appearance

Form 8B (p. 1)  
October 2023

**UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT**

**NOTICE OF UNREPRESENTED PERSON APPEARANCE**

Case Number 2023-1363

Short Case Caption Ablan v. US

**Instructions:** Refer to Federal Circuit Rule 47.3 for requirements governing appearance in this court. Unrepresented persons must immediately file an amended Form 8B if contact information changes. **A motion must be filed to change either the filing or service selection during the pendency of the case.**

Complete page 1 of this form and, if applicable, either page 2 or 3 corresponding to your filing and service selection. **Submit only one of pages 2 or 3; do not submit both.**

**ENTRY OF APPEARANCE**

I am entering my appearance on my own behalf ("pro se") in the above case.

Name: Zheng Luo

Address: 3411 Pedernales Trails Ln  
Katy, Tx 77450

Phone: 713-739-8295

Email: coinverso@hotmail.com

**FILING AND SERVICE SELECTION**

I will file all documents in the above case (select only one):

- ☐ in paper form by mail or in person, and I elect to receive all service by mail only.
- ☒ through the court's electronic filing system, and I have completed **page 2 (Consent to Electronic Filing and Service)**; I understand I will receive service by email only.
- ☐ in paper form by mail or in person, and I elect to receive all service by email at the above email address and have completed **page 3 (Consent to Paper Filing and Electronic Service)**.

I certify that all information is true and correct and that a failure to abide by the above selections may result in my case being delayed or other actions deemed necessary by the court.

Date: 8/12/24

Signature:

Zheng Luo

Name:

Zheng Luo

**CONSENT TO ELECTRONIC FILING AND SERVICE**

**Instructions:** Please review and check the box verifying your agreement with each item. All items must be selected before filing electronically with the court. If you are submitting this page, do not submit page 3 of this form.

- ☒ I have registered as a Non-Attorney filer with this court's electronic filing system (CM/ECF) through PACER at [www.pacer.uscourts.gov](http://www.pacer.uscourts.gov).
- ☒ I agree to abide by the court's Electronic Filing Procedures, available at <http://www.cafc.uscourts.gov/contact/clerks-office/filing-resources>. I understand the court may revoke my electronic filing privileges if I repeatedly fail to comply with the Electronic Filing Procedures.
- ☒ I know how to convert a document into portable document format (PDF). I understand that I must file all documents for my case in PDF through the court's electronic filing system. See Fed. Cir. R. 25(c)(3) for paper copy requirements.
- ☒ I have regular access to: (1) a computer with internet access, (2) an email account, (3) a word processor, (4) a PDF reader and writer, and (5) a scanner to convert documents only available in paper format into electronic files.
- ☒ I understand that I will receive service of public filings only by email in this case. I understand that it is my responsibility to regularly monitor my email and docket to ensure I have not missed notifications.
- ☒ I understand that when I receive a filing notification email (Notice of Docket Activity), I will be able to view, save, and print publicly filed documents once without charge within 15 days but may then need to pay a fee.
- ☒ I will ensure the contact information associated with my electronic filer account remains current. I understand that the court is not responsible for missed notifications resulting from my failure to update my contact information.
- ☒ I understand that I may only file electronically in this case and I must seek leave of the court to revert to mail filing or service. I understand that I must submit a new Form 8B for other cases where I wish to file electronically.
- ☒ I understand I will receive service electronically in future cases where I am a party unless I file a Form 8B modifying my service selection in that case.
- ☒ I understand that the Clerk's Office cannot provide me with technical assistance or support with using or viewing email or my browser.

I certify that all information is true and correct and that failure to abide by the above selections may result in delays or adverse actions deemed necessary by the court.

Date: 8/12/24

Signature: Zhang Luo

Name: Zheng Luo



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Page: 9

Filed: 09/13/2024

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ZHENG LUOSHIP DATE: 09/24  
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3411 PEDERNALES TRAILS LN

KATY, TX 77450  
UNITED STATES US

BILL THIRD PARTY

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**CLERK OFFICE, US COURT OF FEDERAL CI**  
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